IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
WRIT PETITION NO.3063 OF 2006

Shri Puroshotam Shrikrishana Deshpande ...Petitioner.
V/s.
The State of Maharashtra & Ors. ...Respondents.

Shri A.M.Joshi for the Petitioner.
Shri P.P.Kakade, A.G.P. for the Respondent Nos.1 and 2.

CORAM: B.H.MARLAPALLE &
J.H.BHATIA, JJ.
DATE : 5th December, 2006.

P.C.:

1. We have perused the affidavit-in-reply filed by the Assistant Apprenticeship Adviser (Technical) from the office of the Deputy Director Vocational Education & Training Regional Office at Pune, as directed vide our order dated 7-11-2006.

2. Though the petitioner had claimed that his services should be counted from 1-1-1993, affidavit has clearly stated that from 24-5-1988 to 31-12-1992, the petitioner was holding the licence as Electrical Contractor and he was appointed in the educational institution as full time teacher from 7-10-1992 for the first time in the pay scale of Rs.1640-2900. His earlier service from 5-12-1991 was temporary and for particular academic year and, therefore, the period from 5-12-1991 to 22-12-1994 could not be counted. In

addition, he came to be removed from services as per the letter dated 13.12.1994 and thereafter, he was re-appointed. Under these circumstances, his fresh appointment was approved from 23-12-1994 on the permanent basis in the pay scale of Rs.2000-3200. Period of 12 years as the qualifying period for higher scale is counted from 23.12.1994, as has been explained in the affidavit. We do not find this to be a grossly erroneous approach by the Deputy Director of Vocational Education & Training and the petitioner would be eligible for the higher scale on completion of his service of 12 years on 23-12-2006.

3. We direct the respondents, i.e., respondent nos.2 and 4 to ensure that the petitioner’s case may be considered for the higher scale immediately on completion of his 12 years service on 23-12-2006 and as per the guide-lines laid down by the State Government from time to time.

4. The petition is disposed off in terms of the above directions.

(J.H.BHATIA,J.) **(B.H.MARLAPALLE,J.)**